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EASTERN DISTRICT OF TEXAS

| ESAU POREE, | | |
|------------------|-------------|------------------------------|
| Plaintiff, | 8 8 8 | |
| versus | | CIVIL ACTION NO. 1:17-CV-529 |
| ROCHELLE ROGERS, | 8 | |
| Defendant. | § § | |

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Esau Poree, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff has filed a motion for partial summary judgment (#30). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion plaintiff's objections are without merit. The magistrate judge correctly concluded that at the time it was filed, the motion for partial summary judgment was premature.

ORDER

Accordingly, the objections filed by plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion for partial summary judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 28th day of August, 2019.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE

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